

**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: March 2, 2007

Bulletin: No. 2007-02

Subject: Notice of Proposed Regulatory Action –
Legislatively Mandated Vehicle Pursuit Training

At its 2006 meetings, the Commission on Peace Officer Standards and Training (POST) approved proposed amendments to the training standard and guideline document for vehicle pursuits. These amendments are consistent with changes made to Penal Code §13519.8 and Vehicle Code §17004.7 resulting from the passage of Senate Bill 719 (Romero, 2005). The attached notice describes the proposed changes and includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing.

Go to www.post.ca.gov/RegulationNotices/RegulationNotices.asp to access these related documents:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Please direct inquiries about this proposed regulatory action to Patricia Cassidy, at the Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Patti.Cassidy@post.ca.gov, by telephone at 916.227.4847, or by FAX at 916.227.5271. Bryon Gustafson is the back-up contact person for this proposal; Bryon is available by telephone at 916.227.3902, or by email at Bryon.Gustafson@post.ca.gov.

HAL SNOW
Interim Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION

Legislatively-Mandated Vehicle Pursuit Training Regulation 1081

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code §13503 (powers of the Commission on POST) and §13506 (Commission on POST authority to adopt regulations). Implementation of this proposal will interpret, implement, and make specific Penal Code §13503(e) (Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses), and Penal Code §13519.8 (Commission on POST authority to develop vehicle pursuit guidelines and training standards).

Public Comments Due by April 16, 2007

The Commission requests written comments on the proposed actions. POST must receive the written comments no later than 5:00 p.m. on April 16, 2007. Please send any written comments to Hal Snow, Interim Executive Director, at the Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Informative Digest/Policy Statement Overview

In 1993, Senate Bill (SB) 601 (Marks) added Penal Code §13519.8, which defined “law enforcement officer” as any peace officer or employee of a local police or sheriff’s department and the California Highway Patrol, for purposes of implementing the legislative requirements. The legislation also required POST to: 1) create a course(s) of instruction for training law enforcement officers in the handling of high-speed vehicle pursuits, 2) develop uniform, minimum guidelines for response to high-speed vehicle pursuits for adoption by California agencies, and 3) prescribe supplementary training for law enforcement officers who received their basic training before January 1, 1995. Therefore, POST staff brought together subject matter experts (SMEs) to develop the guidelines and training specifications, which became available in 1995. POST adopted Regulations 1081(a) (22) and (23), which became effective 9-20-95. Subsection (22) requirements addressed line-level officers (below the middle management rank) and subsection (23) requirements addressed middle manager officers and higher ranks. The *California Law Enforcement Vehicle Pursuit Guidelines* publication is incorporated by reference in Regulation 1081. The original pursuit training specifications, in Regulations 1081(a) (22) and (23), specified two hours of training and one hour of training, respectively.

Senator Gloria Romero subsequently authored SB 719 (2005), which Governor Schwarzenegger signed into law on October 4, 2005. SB 719 modified Penal Code §13519.8 (PC) and Vehicle Code (VC) §170004.7, which now necessitates changes in the guidelines and training specifications. When enacted on January 1, 1988, VC §170004.7 provided immunity for civil damages that result from a vehicle pursuit if an agency adopted a written policy on vehicular pursuits. SB 719 expands the conditions for immunity, effective July 1, 2007. At a minimum, all agency peace officers must receive annual training that covers the subjects and elements set forth in the training guideline requirement set forth in PC §13519.8.

Proposed amendments to Regulation 1081 reflect the new, single standard of training for all California peace officers of an agency authorized by law to conduct vehicular pursuits and the need to train all officers annually on the agency-specific pursuit policy, as described in VC §17004.7. The amendments specify the minimum topics the training must cover, which are the 15 pursuit guidelines established in PC §13519.8. The amendments also specify that a minimum of one (1) hour annually must be devoted to this training. Finally, the amendments specify the additional resources an agency

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can use in addition to the agency-specific pursuit policy, (i.e., the publication *California Law Enforcement Vehicle Pursuit Guidelines*; video: *Pursuits Telecourse*; training DVD: *Pursuits Line-up Training*). Non-substantive changes in Regulation 1081 address format consistency, grammar, and moving more-recently adopted courses into alphabetical order by dropping the number reference in the outline.

The proposed amendments to Regulation 1081 and the *California Law Enforcement Vehicle Pursuit Guidelines* will require annual agency-specific pursuit policy training for all peace officers of a California law enforcement agency that has legal authority to conduct vehicular pursuits and complies with the new immunity requirement in VC §17004.7 that becomes effective July 1, 2007.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, it will make available the text of any modified language, clearly indicated, at least 15 days before adoption, to all persons whose comments POST received during the public comment period, and to all persons who request notification from POST of the availability of such changes. Please address requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text becomes available.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is available on the POST website at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Individuals without Internet access may request a copy of the above documents by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2007-02. The rulemaking file, which contains the above-mentioned documents and all information upon which POST is basing this proposal, will be available for inspection during the Commission's normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST at the above telephone number, write to the address under Contact Persons at the end of this notice, or view the document on the POST Internet website at the address cited above.

Estimate of Economic Impact

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- Non-Discretionary Costs/Savings to Local Agencies: None
- Local Mandate: None
- Costs to any Local Agency or School District for which Government Code Section 17561 Requires

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Reimbursement: None

- Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.
- Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect of Proposal on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California, and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to effected private persons than the proposed action.

Contact Persons

Please direct any inquiries or comments concerning the proposed action by mail to Patricia Cassidy, at Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at Patti.Cassidy@post.ca.gov. Bryon Gustafson is the back-up contact person; Bryon is available by telephone at 916.227.3902, or by email at Bryon.Gustafson@post.ca.gov.